IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.525 of 2008
SURENDRA RAJAK
Versus
THE STATE OF BIHAR & ORS
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8 03.09.2008 This writ application is for issuance of writ in the nature of habeas corpus for setting free respondent no.4 Reeta Kumari alias Dolly, presently lodged in After Care Home, Gaighat, Patna.

It is the assertion of the petitioner that he had married respondent No.4 Reeta Kumari @ Dolly according to the Hindu rites and the same being not liked by her father, respondent no.3 he filed criminal case against him which has led to registration of Pirpainty (Ekchari) P.S. case No. 110 of 2007.According to this report respondent no.4 is the victim of crime.

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The statement of respondent no.4 Reeta Kumari @ Dolly was recorded by the learned Magistrate under Section 164 of the Code of Criminal Procedure in which she has stated that she had married the petitioner and in fact lived with him for sometime. In her statement she also stated that she wants to live with the petitioner.

Taking into account the aforesaid facts, we had directed for production of Respondent no.4 Reeta Kumari @ dolly and respondent no.3.Chakradhar Prasad Mandal. They are present in Court.

We have inquired the wishes of respondent no.4 Reeta Kumari. She unequivocally states that she wants to go and live with her husband and is not willing to live with her parents.

In the statement before the learned Magistrate she claimed to be major aged about 19 years. The learned Magistrate had assessed her age between 17-18 years.

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In view of aforesaid, we are not in a position to ignore her wishes.

Accordingly, we direct the Superintendent, After Care Home, Gaighat, Patna to release her forthwith.

She is willing to go alongwith her husband i.e. the petitioner herein.

Petitioner is present in person. He states that he will keep respondent No.4 abovenamed with dignity.

In the result the application is

allowed. Superintendent, After Care Home is directed to release respondent no.4 forthwith. She shall be free to go alongwith the petitioner.

No cost.

(Chandramauli Kr. Prasad,J.)

(Dr. Ravi Ranjan,J.)

A.Kumar

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